

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DAVID R. MENDOZA,  
  
Defendant.

No. CR06-0466 TSZ

UNOPPOSED MOTION TO  
CONTINUE TRIAL

NOTE ON MOTION CALENDAR:  
JUNE 12, 2009

COMES NOW Defendant David R. Mendoza, by and through his attorneys, Jeffery P. Robinson and Colette Tvedt of Schroeter, Goldmark & Bender and moves this Court for a motion to continue the trial date in this matter from June 29, 2009, to August 10, 2009, and to continue the related motions deadline and Pretrial Conference hearing.

Counsel for Plaintiff United States of America, Assistant United States Attorney Susan Roe, does not oppose this motion.

This motion is made on the following grounds:

After Mr. Mendoza was taken into custody by the U.S. Marshals on May 1 (see Dkt. 29), he was arraigned on May 4, 2009 (Dkt. 27). On May 5 and 6, defense counsel were presenting to the Alaska State Bar in Juneau, Alaska. Prior commitments and the fact that the FDC Seatac was closed for part of the day on May 7, prevented counsel from meeting

1 with Mr. Mendoza for several days. Additionally, Mr. Robinson became ill on May 12 and  
2 was out of the office for a week; he did not return to the office until May 21. Once Mr.  
3 Robinson was back to work, he was engaged in intense trial preparation in the matter of  
4 Mario Interiano vs. Wrought Corporation Inc., King County Superior Court Cause No. 07-2-  
5 26071-4-SEA; trial in that case began before Judge Mary Yu on May 26, immediately  
6 following the Memorial Day holiday, and is expected to last two weeks. Mr. Robinson and  
7 Ms. Tvedt have a previously arranged commitment to the National Criminal Defense College  
8 in Macon, Georgia, the week of July 13, 2009. Mr. Robinson will also be required to go to  
9 Guantanamo Bay, Cuba, once in June 2009 – a trip that takes five days to travel there and  
10 back.

11 The parties have been involved in active discussions to resolve the case.

12 If this matter cannot be resolved prior to trial, defense counsel cannot be prepared to  
13 effectively represent Mr. Mendoza at trial without additional time. Therefore, Mr. Mendoza  
14 requests a six-week continuance of the trial, from June 29 to August 10, 2009. This  
15 additional time would allow the parties to either resolve the matter in its entirety or to be  
16 completely prepared for and ready to go to trial on August 10, 2009.

17 For the foregoing reasons, Mr. Mendoza respectfully submits that this continuance is  
18 necessary and in the interest of justice.

19 Mr. Mendoza requests a continuance of the motions deadline, the Pretrial Conference,  
20 and the trial date.

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1 A proposed order and a waiver of speedy trial are submitted with this motion.

2 DATED this 2nd day of June, 2009.

3 Respectfully submitted,

4 s/ Jeffery P. Robinson

5 JEFFERY P. ROBINSON

6 COLETTE TVEDT

7 Counsel for Defendant David R. Mendoza

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15 CERTIFICATE OF SERVICE

16 I hereby certify that on June 2, 2009, I electronically filed the foregoing with the  
17 Clerk of the Court using the CM/ECF system which will send notification of such filing to  
18 the attorney of record for the United States of America, Assistant United States Attorney  
19 Susan Roe.

20 s/ Andrea Crabtree

21 ANDREA CRABTREE

22 Paralegal

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